



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2402089  
**Applicant Name:** Brittani Ard for Noland Homes, L.L.C.  
**Address of Proposal:** 4421 44<sup>th</sup> Avenue Southwest

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four (4) unit lots. This subdivision of property is only for the purpose of allowing the sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under Project #2400142.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

The 6,020 sq. ft. property is located on the west side of 44<sup>th</sup> Avenue Southwest, between Southwest Genesee Street and Southwest Oregon Street in West Seattle. The site has 50 feet of street frontage on

44<sup>th</sup> Avenue Southwest which is paved and improved with gutters, concrete curbs, planting strips and sidewalks on both sides of the street. There is a platted alley at the rear (east) of the property for access from either Southwest Genesee Street or Southwest Oregon Street. The alley is paved and extends the entire block. Currently there is an existing residential structure and detached garage located on the lot. The parcel is not located in any designated or identified Environmentally Critical Area.

The subject property and lots to the north and south are zoned Multi-family Lowrise 2 (L-2) and are located in the West Seattle Junction Hub Urban Village. Properties to the west, across the alley, are zoned Single Family 5000 (SF5000). Property across the street to the east are zoned Lowrise 3 (L-3). Development in the area consists of small multi-family structures and one and two-story single family houses.

### Proposal Description

The proposal is to subdivide one parcel into four (4) unit lots with vehicle access provided from the alley. The existing residence and detached garage located on the parcel will be removed. Vehicle access to the proposed lots and future dwelling units will be via an ingress, egress and utility easement, which provides access to a central auto court and the garages within each unit. The proposed unit lot sizes are: A) 1,537 sq. ft., B) 1,538 sq. ft., C) 1,471 sq. ft.; and D) 1,474 sq. ft. The lots either have direct pedestrian access to 44<sup>th</sup> Avenue Southwest or access via an easement, depending on their location.

Note that the proposed construction is being reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2400142). The subject of this analysis and decision is only the proposed division of land.

### Public Comments

The comment period for this proposal ended on May 12, 2004. No comment letters were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040 no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L-2. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 1200 square feet, is met for the development as a whole. The proposal conforms to development standards in all other respects. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The lots are provided vehicular access via a concrete paved alley accessed from either Southwest Genesee Street or Southwest Oregon Street, consistent with the requirements of the Code.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement as described in the Seattle City Light memorandum dated May 19, 2004 and "Exhibit A to City of Seattle Short Subdivision No. 2402089 P.M. #240314-3-006" shall be included on the final plat prior to recording.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and Water Availability Certificate No. 2004-0466 was issued on April 30, 2004.

Plan Review requirements regarding stormwater/drainage were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood

character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood because additional opportunities for owner occupied housing would be provided within the City limits. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. This site is not an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. The construction of the townhouse was subject to the provision of SMC 23.45.015.C, which provides that existing trees must be preserved or new trees must be planted.
7. Section 23.24.045B of the Seattle Municipal Code provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family housing may be subdivided into individual unit lots. The development as a whole shall meet development standards, however, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that addition development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

*The unit lots shown on this site are not separate buildable lot.  
Additional development on any individual unit lot in this  
subdivision may be limited as a result of the application of  
development standards to the parent lot pursuant to applicable  
provisions of the Seattle Land Use Code.*

The conformance of the proposed development as a whole with the applicable Code Provisions has been reviewed under Master Use Permit Number 2400142. Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

### **SUMMARY - SHORT SUBDIVISION**

The lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 2 zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code, and is consistent with applicable Multi-Family policy guidelines. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### **Conditions of Approval Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots, and the dwelling units constructed on this site constitute non-conforming structures pursuant to SMC 23.42.112. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
6. Post an address sign for all unit lots at a location visible from 44<sup>th</sup> Avenue Southwest and provide a covenant and/or an easement to ensure that the address signage is maintained.

Signature: \_\_\_\_\_ (signature on file) Date: August 16, 2004

Darlene Edwards, Land Use Planner  
Department of Planning and Development

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